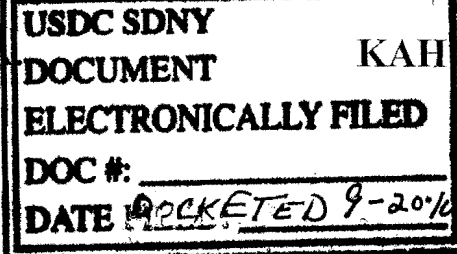
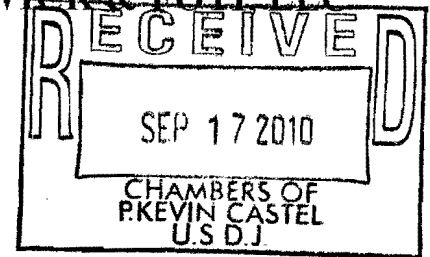


SAXENA WHITE P.A.



KAHN SWICK & FOTI LLC



September 16, 2010

VIA HAND DELIVERY

The Honorable P. Kevin Castel
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 1007-1312

Re: *In re Bank of America Corp. Securities, Derivative and ERISA Litigation*
Master File No. 09-MDL-2058 (PKC)
This document relates to all Derivative Actions

Dear Judge Castel:

We represent Derivative Plaintiffs in the Consolidated Derivative Action, and we write in response to the Court's August 27, 2010 Order granting Derivative Plaintiffs 20 days to file a motion to amend their complaint. We write to inform Your Honor that, at this time, Derivative Plaintiffs have determined not to seek leave to amend their complaint. Notwithstanding this, we also wish to inform Your Honor that Derivative Plaintiffs may seek such relief prior to the close of fact discovery, in order to bring the pleadings into conformance with the evidentiary record.

We are also mindful of Your Honor's August 31, 2010 Order, which granted Derivative Plaintiffs until September 16 to allege the citizenship of the Financial Advisors. Because Derivative Plaintiffs are not seeking to amend the complaint at this time and because the Court granted the Financial Advisors' motion to dismiss, there appears to be no mechanism to add the citizenship allegations without purporting to add the Financial Advisors back into the action, contrary to the dismissal order. The verified interrogatory answers, showing the citizenship of the Financial Advisors, are attached as Exhibits A and B. We provide this information to the Court out of an abundance of caution, and we request that the Court deem the verified facts concerning citizenship to be incorporated into the current complaint.

We thank the Court for its consideration of these matters.

Respectfully submitted,

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Enclosures: (2)

cc: All counsel (via email)